

Interview Agenda, Application No. 09/408,447
5/29/03, 1:00 p.m.

Interview Agenda

This is to confirm that we have scheduled a personal interview for May 29, 2003, at 1:00 p.m. to discuss Application No. 09/408,447. In accordance with your instructions, I have prepared a proposed agenda of our discussion.

The April 22, 2003 Office Action indicated that the Amendment dated February 10, 2003 was non-responsive for shifting to a non-elected invention, taking the position that new Claims 68 to 111 were drawn to a separate invention from that of elected Claims 1 to 38. It is our position that new claims 68 to 111 are consistent with the original August 13, 2002 restriction requirement, which was "drawn to image processing apparatus and method for determining an output mode."

Finally, it appears that the April 22, 2003 restriction requirement mischaracterized the claims, in that it asserts that Group I claims base the output method on the size of an output medium and Claims 68-111 base the output medium on an observation area of the image. We believe that both groups base an output determination on the relationship between both the output medium and the observation area.

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